

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

UNITED STATES OF AMERICA

-against-

CR  
SPECIAL FINDINGS

,  
Defendant

\_\_\_\_\_, District Judge:

Part I. Statutory Aggravating Factors  
( to be proved by the government beyond a reasonable doubt)

Category 1

1. That defendant intentionally killed the victims of the capital crime.

--As to [victim #1]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

--As to [victim #2]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

Category 2

2A. That defendant killed the victims of the capital crime after substantial planning and premeditation.

--As to [victim #1]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

--As to [victim #2]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

2B. That defendant killed the victims of the capital crime in an especially heinous, cruel, or depraved manner in that the murder involved torture or serious physical abuse to the victims.

--As to [victim #1]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

--As to [victim #2]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

(You may only continue with your deliberations if you have found both Number 1 and either Number 2A or 2B proved to the jury's unanimous satisfaction with respect to the same victim. If you have not found both Number 1 and either Number 2A or 2B proved to the jury's unanimous satisfaction with respect to the same victim, you must cease your deliberations. You should report the decision reflected in Decision Form A.)

Part II. Non-statutory Aggravating Factors  
(to be proved by the government beyond a reasonable doubt)

3A. That the commission of the [victim #1/victim #2] murders was part of a series of a intentional and premeditated murders, to wit the murders of:

--[victim #3]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

--[victim #4]

Proved to the jury's unanimous satisfaction \_\_\_\_\_  
Unable to reach unanimous agreement \_\_\_\_\_

--[victim #5]

Proved to the jury's unanimous satisfaction \_\_\_\_\_

Unable to reach unanimous agreement \_\_\_\_\_

--[victim #6]

Proved to the jury's unanimous satisfaction \_\_\_\_\_

Unable to reach unanimous agreement \_\_\_\_\_

3B. That defendant killed [victim #1] in an especially heinous, cruel, or depraved manner in that the murder involved mental torture to the victim.

Proved to the jury's unanimous satisfaction \_\_\_\_\_

Unable to reach unanimous agreement \_\_\_\_\_

(Regardless of the findings you have made as to these non-statutory aggravating factors, proceed to the next page inquiring as to mitigating factors.)

Part III. Mitigating Factors

(to be proved by the defense by a preponderance of the evidence)

4A. That defendant does not have a prior record.

Number of jurors who so find \_\_\_\_\_

4B That [co-defendant #1] and [co-defendant #2], neither of whom will be punishable by death, are as equally culpable as defendant for the victim #1/victim #2] murders.

Number of jurors who so find \_\_\_\_\_

4C. That the lesser sentences received by other defendants involved in the [victim #1/victim #2] murders mitigate against Mr. \_\_\_\_\_ receiving a death sentence.

Number of jurors who so find \_\_\_\_\_

4D. That, if not sentenced to death, defendant will serve a term of life imprisonment without parole.

Number of jurors who so find \_\_\_\_\_

4E. That other factors about the commission of the crime or about [defendant's] background or character mitigate against imposition of the death penalty. (Please identify the factor and the number of jurors who so find.)

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Number of jurors who so find

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Number of jurors who so find

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Number of jurors who so find

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Number of jurors who so find

(If more space is needed, simply write on the back of these sheets. Please remember that you need not be able to articulate a mitigating factor with specificity to consider it in your deliberations.)

\*As reported by the jury in open court 7/2/92.  
Clerk of the Court to docket.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

UNITED STATES OF AMERICA

-against-

CR  
DECISION FORM A

,

Defendant.

-----X

\_\_\_\_\_, District Judge:

We, the jury , **do not** unanimously find proved beyond a reasonable doubt the existence of both statutory aggravating factors 1 and either 2A or 2B as to a single victim of the capital crime and, therefore, do not consider the death penalty in the case.

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FOREPERSON

Date: July\_\_\_\_\_, 1992

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

UNITED STATES OF AMERICA

-against-

CR  
DECISION FORM B

,

Defendant..

-----X

\_\_\_\_\_, District Judge:

We, the jury, unanimously find beyond a reasonable doubt that the aggravating factors proved in this case outweigh any mitigating factors, and are themselves so serious that justice mandates a sentence of death. We vote unanimously that [defendant] shall be sentenced to death.

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FOREPERSON

Date: July \_\_\_\_\_, 1992

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

UNITED STATES OF AMERICA

-against-

CR  
Decision Form C

,  
Defendant.  
-----X

\_\_\_\_\_, District Judge:

We, the jury, do not unanimously find that the aggravating factors proved in this case so outweigh the mitigating factors that justice mandates a sentence of death. We, therefore, return a decision that [defendant] not be sentenced to death.

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FOREPERSON

Date: July \_\_\_\_\_, 1992

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK  
-----X

UNITED STATES OF AMERICA

-against-

CR  
DECISION FORM D

,

Defendant.

-----X

\_\_\_\_\_, District Judge:

We, the jury, having considered and evaluated the evidence presented in light of the instructions of the court, nevertheless, are not unanimously persuaded that a death sentence should be imposed in this case. We, therefore, return a decision that [defendant] not be sentenced to death.

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FOREPERSON

Date: July\_\_\_\_, 1992



CERTIFICATE

By signing below, each of us individually hereby certifies that consideration of the race, color, religious beliefs, national origin, or sex of the defendant, \_\_\_\_\_, and of the victims, \_\_\_\_\_ and \_\_\_\_\_, were not involved in reaching our respective individual decisions. Each of us individually further certifies that the same decision regarding a sentence for the crime in question would have been made no matter what the race, color, religious beliefs, national origin, or sex of [defendant] or [victim #1] or [victim #2] may have been.

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FOREPERSON

Date: July \_\_\_\_\_, 1992